

SENATE JOINT RESOLUTION 735
By McNally

A RESOLUTION relative to the disqualification of Medicaid or TennCare recipients who have been convicted under state law of an offense involving Medicaid or TennCare fraud or the illegal sale of prescription drugs.

WHEREAS, in today's climate of escalating health care costs, state governments are seeking to improve their efforts in combating fraud and abuse within their respective Medicaid or Medicaid waiver programs, specifically by enhancing their ability to investigate and prosecute recipient fraud; and

WHEREAS, under present federal law, state governments may disqualify a Medicaid enrollee who has been convicted of a crime under state law only if such enrollee has been incarcerated for such offense or offenses; and

WHEREAS, it is imperative that state governments be afforded the latitude to disqualify Medicaid enrollees who have been convicted under state law of fraud against the Medicaid program or the illegal sale of prescription drugs received from the Medicaid program, regardless of incarceration, with the authority to apply such disqualification for a period of at least one (1) year after the completion of sentence if the enrollee is incarcerated for such a conviction; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that this General Assembly hereby memorializes the United States government to revise the Medicaid laws to enable state governments to disqualify enrollees who have been convicted under state law of a criminal offense involving Medicaid fraud (or in the instance of Tennessee, TennCare fraud) or the illegal sale of prescription drugs received from the Medicaid

or TennCare program, regardless of whether the convicted enrollee is incarcerated for such an offense.

BE IT FURTHER RESOLVED, that the Centers for Medicare and Medicaid Services are hereby urged and encouraged to grant a waiver to Section 1902(a)(17) of the federal Social Security Act to permit state governments to disqualify Medicaid enrollees who have been convicted under state law of a criminal offense involving Medicaid fraud or the illegal sale of prescription drugs received from the Medicaid program, if such waiver is permissible under federal law, or conversely, the United States Congress is hereby urged and encouraged to amend the federal Medicaid laws to permit state governments to disqualify Medicaid enrollees upon their conviction of such offenses, if legislative action is necessary to effect such change.

BE IT FURTHER RESOLVED, that an enrolled copy of this resolution be transmitted to the Centers for Medicare and Medicaid Services and to each member of Tennessee's Congressional delegation.